



# Impact

FEBRUARY 2005

COMPENSATION EMPLOYEES' UNION

## What is going on? I thought things had gotten better...

We saw 2004 as the year of opportunity for our employer to make real change. Despite our scepticism, the CEU made a decision to give the new CEO a chance to show that his commitment to improve the workplace was sincere, that labour relations would be conducted differently, and that you, the employee, would be treated better.

This was not an easy decision for us to make. The employer misled us at the bargaining table in 2002 when they said that no staffing changes were imminent and then promptly announced more than 500 job cuts. This meant we had to engage in a difficult and bitter struggle to make the employer live up to the commitments they made at the bargaining table. Again and again, we returned to Mediator Vince Ready to make our reluctant employer meet their legal obligations. Eventually, the reorganization process was completed; jobs were lost; lives and careers were in tatters; and our relationship with our employer was in bad shape.

### What happened in 2004?

On the positive side, the parties negotiated an early renewal of the Collective Agreement in June. We achieved some benefit improvements and employment security to December 2007 in this process.

It is not lost on anyone, however, that the employer would only agree to an employment security provision that expires concurrently with the introduction of the new claims management system. This is a system that the employer has said publicly would be paid for by jobs. In addition, the Board refused to incorporate job security into the Collective Agreement and instead insisted on a letter of understanding.

We tackled other issues as well. This is how the employer responded:

#### Joint committees

CEU representatives on a number of joint committees met with the employer to tackle big issues like reorganization, the impact of technology, and the ability to do “remote work” (i.e., the ability to perform work that is normally done in one location from a different location). In these forums, the Board acknowledged that technology (e-file) had impacted many clauses in the Collective Agreement. They also acknowledged that neither party considered the impact of that technology when those clauses were negotiated. Then they refused to discuss language that would protect you from redundancy, provide fair treatment and access to training opportunities, and treat back-up rights

more equitably. Instead the employer asserts that “management rights” allow them to assign work as they see fit, without regard to work location.

#### Labour relations

In 2004, we tried to resolve more labour relations issues informally before moving them to arbitration. We talked with Labour Relations staff about many other unresolved issues too. We set action dates and then we attended follow-up meeting after follow-up meeting. The employer routinely “never got around to” completing their action items. The only time they ever moved on a grievance issue was when we scheduled it for arbitration – and even then only a few days before the arbitration date.

#### Job evaluation and pay equity

In job evaluation, the Board continues to ignore the timelines in the Collective Agreement and their responsibility to keep job descriptions current. Anyone who has requested a job re-evaluation, or has been involved in revising a job description, knows how tedious the need for constant reminders to the employer has become. Despite platitudes and commitments to conclude pay equity, we are waiting for it to be scheduled for arbitration. The employer has refused to bargain or mediate any settlement on gender-neutral definitions. Human Resources appears to have unlimited money for legal counsel but the cupboard is bare when it comes to correcting historical inequities in the job evaluation plan.

### The WCB is not progressive

While all of this was going on, Human Resources and Labour Relations engaged in some of the nastiest labour relations practices we have seen in the history of our union. The public face of the WCB is that of a progressive employer concerned about the health and wellness of employees. The real story is very different. Our employer has:

- Refused to accommodate disabled members.
- Disciplined members without just cause and regard to circumstances.
- Shown no corporate commitment to the return-to-work program or harassment issues. Union members have made the programs work, while the Board has publicly boasted about their success.

- Failed to implement a drug and alcohol program, despite its legal obligations to do so. CEU representatives have carried the ball in situations that should be handled through such a program.
- Failed to establish an employment equity program. The employer's enthusiasm for diversity in the workplace died an immediate death in 2001 – the year the joint committee completed an employment systems review that found barriers in the recruitment system. Human Resources said they would not take the issue to SEC to get the funds needed to remove the barriers.

While the Board has worked hard to create a public image of a decent and caring employer with the branding and marketing strategies, their real behaviour is cynical and inappropriate. Here are some examples:

- Members have overheard Human Resources and Labour Relations staff making disrespectful and insulting statements about you and your union.
- Senior management sends legions of Human Resources and Labour Relations staff to meetings with your union with no authority to resolve problems. They are also more often than not completely unprepared on the issues.
- Worse yet, when attending arbitrations they consistently show a complete lack of respect for this legal dispute resolution process and the highly regarded neutral parties empowered to arbitrate or mediate solutions.

## We gave the “New World” a chance

We met and talked with the employer a lot in 2004. But we continued to hear the refrain that started in 2002 – “management rights”. The only time the Board ever wanted to discuss issues of importance to the membership was when they met the Board's needs. And even in these instances, they would only look at varying collective agreement language for a select few members. Expanding back-up rights across divisions is a good example of this. We have had to file a grievance to resolve this issue.

The employer has kept us engaged in fruitless meetings and released distorted or incomplete versions of the truth about coming change. Sometimes information about change was released to the union only when a promise of confidentiality was extracted, putting us on the horns of a dilemma.

The CEO acknowledged that there needs to be “more rungs in the ladder” to create opportunities for you. You were told the KSA system needs review as it is flawed. Human Resources and Labour Relations have no desire to address that issue. Grievances on unfair selection processes continue to come in. There are no more rungs in the ladder – the reorganization has made opportunities even more limited for some.

At the same time, the employer has been engaging in a slick public relations campaign to convince internal and external audiences that all is well.

The conclusion – our employer is not committed to change – even though the new CEO told you he wanted to work more effectively with your union. If the employer was committed to change, you would feel respected in your workplace and management would be listening to your union representatives.

## We are changing our focus

As we said, we were sceptical at the beginning since the same players from that nasty round of bargaining 2002 were still here. We have to deal with them on a daily basis. But we believe that the parties should work together to make it a better work environment for you, so we tried to put our doubts aside. However, healthy labour relations can't be nourished with the attitude, “it's the employer's turn”.

After reviewing the outcomes of the past year, we have decided that the time has come to change how we interact with this employer. We have to do things differently.

We have decided to:

- Focus our energies on providing better advocacy for you rather than engaging in endless meetings. Instead of sitting in a room with the wrong people who have not prepared for the meeting and who have no decision-making authority, we will spend our efforts more productively by talking formally and informally with our members.
- Withdraw from joint committees and processes to which the Board has only paid lip service up to now. We have decided we spend too much time in rooms talking without substantive outcomes.
- No longer provide HR assistance in substance abuse intervention. We have been lobbying for many years for the Board to commit dollars to a formal substance abuse program – which is their legal obligation – to no avail.
- No longer run interference on harassment issues. If there is a harassment case, we will not participate in a joint investigation. Also, we will no longer try to resolve these issues informally.

This was a hard decision to make. Many members have benefited by the actions of their union representatives who deal with issues like return-to-work and harassment. We will continue to represent members in these forums. However, this assistance will not be through a meaningless “joint” process.

We will adapt and go forward with a new focus. We will vigorously police the Collective Agreement and defend the interests of our members and the workers' compensation system. Watch for much more information in the coming weeks.